

# Order

Michigan Supreme Court  
Lansing, Michigan

April 21, 2006

Clifford W. Taylor,  
Chief Justice

130197

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

SC: 130197  
COA: 254767  
Oakland CC: 2003-193007-FC

JOHN ANTHONY SPRATT,  
Defendant-Appellant.

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On order of the Court, the application for leave to appeal the November 3, 2005 judgment of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court.

KELLY, J., dissents and states as follows:

I would deny defendant's application for leave to appeal. However, I would vacate the armed robbery conviction on double jeopardy grounds and remand the case to the trial court for correction of the judgment of sentence. Although defendant did not raise a double jeopardy argument, his codefendant Jackson did raise the issue and the Court of Appeals vacated Jackson's armed robbery conviction. *People v Jackson*, unpublished opinion per curiam of the Court of Appeals, issued October 11, 2005 (Docket No. 254768); lv den 474 Mich \_\_\_\_ (2006) (Docket No. 129991). In the interest of consistency and equal justice, the same result should apply for defendant.

CAVANAGH, J., concurs in the statement of KELLY, J.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

April 21, 2006

*Corbin R. Davis*

Clerk